

REMARKS/ARGUMENTS

Supplemental Amendments:

Pursuant to the request by the Examiner during a telephone conference on September 28, 2006, Applicant amends claims 8 and 14 accordingly. In claim 8, line 4, the claim term "place" was replaced with "placed" and in claim 14, line 22, the claim term "mesh" was deleted. Additionally, claim 20, line 25 was amended to fix a grammatical error. The term "it's" was deleted and replaced by "its". In addition to the Office action response filed November 3, 2003, it is now believed that all pending claims 1-3, 5, 7-10, and 12-20 are now in condition for allowance. A Notice of Allowance is respectfully requested.

Claims Status:

Claims 1-3, 5, 7-10, and 12-20 are pending in the reissue application. Claims 4, 6, and 11 are cancelled. Claims 2, 7, 10, and 19 remain unamended. The remaining claims 1, 3, 5, 8-9, 12-18 were amended and new claim 20 was added during prosecution.

Disclosure Support for Amendments:

The term "mesh" modified the claim term "closure member" and was deleted in lines 12, 15, 16, 18, and 20 of claim 1; line 4 of claim 3; line 4 of claim 8; lines 17, 23, and 25 of claim 9; line 2 of claim 13; lines 19, 22, 23, 25, and 27 of claim 14; line 2 of claim 15; lines 7 and 9 of claim 16; lines 12, 15, 16, 20, and 21 of claim 17; and line 4 of claim 18. The specification references "closure member" in two contexts. First, "[t]he planar mesh closure member 34 resembles the head portion of a traditional fly swatter and includes a number of small apertures which allow air and water to pass . . .". U.S. Pat. No. 5,207,018 col. 3, Ins. 62-65. A second, alternative "closure

member" embodiment is disclosed for insect capture, not insect crushing.
U.S. Pat. No. 5,207,018 col. 4, Ins. 51-65.

Claim 1, lines 10 and 12; claim 3, line 1; claim 5, line 3; and claim 8, line 3 further reference "track means" as illustrated in FIGS. 1-3 and described in the specification as "positioned adjacent to the compartment aperture for supporting a front end portion of the mesh closure member. The track includes two parallel channels which define two sides of the compartment aperture and extend the length of the housing from a front bumper rearwardly to the rear end of the rearwardly extending projection." U.S. Pat. No. 5,207,018 col. 2, Ins. 35-41. Additionally, the "housing 20 further includes a pair of parallel channel-like tracks 36 for supporting a front end portion of the mesh closure member 34. The tracks 36, which are parallel to the longitudinal axis of the handle 14, extend the length of the housing 20 and define, in part, two sides of the compartment aperture 24." U.S. Pat. No. 5,207,018 col. 3, Ins. 56-61.

Furthermore, claim 1, lines 22-25 include all the recitations of original claim 4 and original claim 6, except that all references to "mesh" were eliminated as described and supported above. Original claim 4 and original claim 6 are supported in U.S. Pat. No. 5,207,018 column 5, lines 50-52 and column 6, lines 4-8, respectively. In accordance with proper claim form, the "and" in line 17 was moved to line 21.

Lastly, for claim 1, line 10, "a", located before "track", was deleted, and in line 12 "within" replaced "by" located before "the track". Support for the track structure is located in U.S. Pat. No. 5,207,018 column 2, lines 35-41 and column 3, lines 56-61.

Claim 5, line 1 was amended to properly depend from claim 1, in lieu of the cancellation of claim 4.

The grammatical amendment to claim 8, line 4 replaced "place" with "placed", which is supported in U.S. Pat. No. column 6, line 8.

Claim 9, lines 7-10 now include all the recitations of original claim 11.
Support for the limitations of original claim 11 are located in U.S. Pat. No.
5,207,018 column 6, lines 47-50.

Claim 12, line 1 was also amended to properly depend from allowable
claim 9, in lieu of the cancellation of claim 11.

Respectfully submitted,

KELLY LOWRY & KELLEY, LLP

/Scott W. Kelley/

Scott W. Kelley
Registration No. 30,762

SWK:cw
6320 Canoga Avenue, Suite 1650
Woodland Hills, CA 91367
(818) 347-7900